

# Chinese Journalist's Arrest Raises e-Privacy Concerns

## Yahoo accused of complicity in investigation leading to Shi Tao's prison sentence.

By Sarah K. Cron

As Yahoo continues to expand its presence in China's e-market, human rights groups are decrying the Internet giant's recent complicity in the imprisonment of a Chinese journalist for sending "state secrets" through his anonymous Yahoo Holdings (Hong Kong) account.

Shi Tao, 37, a former journalist for *Contemporary Business News* in Hunan province, was sentenced to 10 years in prison on April 30 for leaking what the Chinese government termed "top secret" government information to a foreign-based source. The anonymous e-mail, sent to a New York contact, contained a summary of an editorial meeting in which instructions were given verbally on how to handle potential social instability surrounding the 15th anniversary of the Tiananmen Square massacre. His notes from that e-mail were then posted on watchdog Web sites focusing on human rights in China.

The case has raised questions surrounding e-mail privacy and the continued cooperation of American-owned companies with government requests,

address linking Tao to the information posted on the Web sites.

Jerry Yang, co-founder of Yahoo, told reporters at an Internet conference held in September that Yahoo simply didn't know why authorities wanted the information about Tao's IP address. "We are not told what they look for. If they

Julien Pain, head of the Internet Freedom Desk at Reporters Without Borders, said most governments, even in the United States or France, routinely make requests for information regarding IP addresses when investigating criminal activity, but added that such requests should be carefully scrutinized,

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give us the proper documentation in a court order, we give them things that satisfy local laws," Yang said, according to Agence France Press.

But Don Clarke, law professor at George Washington University who concentrates on Chinese law, said the real question is who has jurisdiction over user information. Since Yahoo (Hong Kong) is the entity named in the Shi Tao verdict, the American-owned company should not have been obliged to give information to mainland Chinese authorities, Clarke said.

especially when repressive regimes are asking for the information.

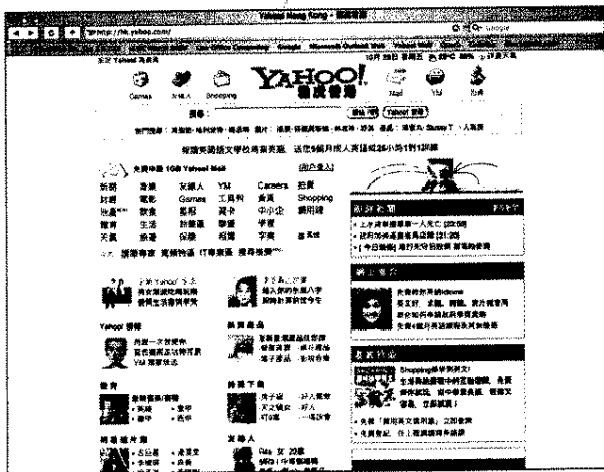
"You can't turn a blind eye on what is happening in [China]," he said. "You can't say that China is our friend and do exactly the same thing [as you would with a less repressive country] because you know how the data will be used. Even if the legal aspect is unclear, the moral aspect is clear."

Pain also mentioned Yahoo's 2002 pledge agreement with the Chinese government to censor their search engines in China, with Google and Microsoft following suit soon after. "Are they willing to do anything just to operate within the country? I think they should draw a clear line," Pain said.

Kevin Bankston, a free speech staff attorney at Electronic Frontier Foundation, a nonprofit group dedicated to protecting digital rights within the United States, also said similar requests are routinely made by the U.S. government, particularly if a suspected terrorist or spy operation is under investigation. "Everyone who uses the Internet should be aware that there are records kept and that they easily can be obtained by the government or civil litigants, even here in the United States," Bankston said. "The real distinction between this scenario and the same scenario in China isn't about unmasking an anonymous user, but the crime they are committing. The only difference is what constitutes a crime."

Yahoo representatives could not be reached for further comment. **loc**

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A translation of Shi Tao's verdict identified Yahoo (Hong Kong) as the supplier of the IP address linking Tao to the information posted on various Web sites.

especially those coming from repressive regimes. In September, a translated version of Shi Tao's verdict identified Yahoo (Hong Kong) as supplying Chinese authorities with the Internet Protocol

entity not under its jurisdiction into providing information about IP addresses, there isn't any limit to what information can end up in the hands of the Chinese government.

